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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JEREMY PINSON,  
Plaintiff,  
v.  
FEDERAL BUREAU OF PRISONS, et al.,  
Defendants.

Case No. 1:13-cv-1821-AWI-MJS (PC)  
**ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL  
(ECF No. 28)**

On October 22, 2014, plaintiff filed a motion seeking the appointment of counsel. Plaintiff does not have a constitutional right to appointed counsel in this action, Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), and the court cannot require an attorney to represent plaintiff pursuant to 28 U.S.C. § 1915(e)(1), Mallard v. United States District Court for the Southern District of Iowa, 490 U.S. 296, 298 (1989). However, in certain exceptional circumstances the court may request the voluntary assistance of counsel pursuant to section 1915(e)(1). Rand, 113 F.3d at 1525.

Without a reasonable method of securing and compensating counsel, the court will seek volunteer counsel only in the most serious and exceptional cases. In determining whether “exceptional circumstances exist, the district court must evaluate

1 both the likelihood of success of the merits [and] the ability of the [plaintiff] to articulate  
2 his claims pro se in light of the complexity of the legal issues involved.” Id. (internal  
3 quotation marks and citations omitted).

4 In the present case, the court does not find the required exceptional  
5 circumstances. Plaintiff requests counsel on the ground that his legal materials have  
6 been seized and will not be returned to him for several months. However, Plaintiff faces  
7 no pending deadlines in the case, and he may request an extension of time if any  
8 should arise before the return of his legal materials.

9 Moreover, even if it were assumed that plaintiff is not well versed in the law and  
10 that he has made serious allegations which, if proved, would entitle him to relief, his  
11 case is not exceptional. This court is faced with similar cases almost daily. Further, at  
12 this early stage in the proceedings, the court cannot make a determination that plaintiff  
13 is likely to succeed on the merits, and based on a review of the record in this case, the  
14 court does not find that plaintiff cannot adequately articulate his claims. Id.

15 For the foregoing reasons, plaintiff’s motion for the appointment of counsel is  
16 HEREBY DENIED, without prejudice.

17 IT IS SO ORDERED.

18  
19 Dated: January 6, 2015

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE